THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.27921 OF 2005

ORAL ORDER:

The petitioners herein claim to be the cultivating tenants of the land situated in Sy.Nos.24 & 25 of Uttrimilli village, Ramachandrapuram Mandal, belonging to the 1st respondent-Temple. It is stated that the 1st respondent-Temple owned a total extent of Ac.6.36 cents, which was leased out to the grandfather of the petitioners long back, and after his death, his wife Smt. Sathemma continued in possession and cultivated the same.

While so, G.O.Ms.No.379 dated 11.3.2003 was issued making Rules regulating the leases of agricultural lands under Act 30 of 1987. In terms of the said Rules, a notice under Rule 5 was issued to Smt. Sathemma calling upon to hand over possession of the land in question within 30 days. In response to the same, Smt. Sathemma submitted a representation to the 1st respondent-Temple requesting to continue the lease at enhanced maktha. In pursuance thereof, the 1st respondent-Temple after dividing the land into three bits admeasuring Ac.2.12 cents each, leased out the same to the petitioners herein for a period of three years commencing from the year 2003-04. Thus, it is claimed that the petitioners are continuing as the lessees by paying maktha to the 1st respondent-Temple. While so, on 19.12.2005 the 1st respondent directed the petitioners to stop cultivation stating that the land was alienated to the Revenue Department and possession was handed over. Aggrieved by the said action, this writ petition has been filed.

It is primarily contended by the petitioners that since the lease in their favour is subsisting, the impugned action of the respondents in not allowing them to cultivate the land on the ground that the said land was alienated in favour of the Revenue Department is arbitrary and

illegal. It is also contended that the impugned action is in violation of the interim directions issued by this Court in W.P.No.11812 of 2005 in which the validity of alienation of immovable properties belonging to Hindu Endowments in the State of Andhra Pradesh has been challenged.

I have heard the learned counsel for both the parties.

It is to be noted that even according to the version of the petitioners, their grandfather was the cultivating tenant and on his death their grandmother Smt. Sathemma continued as lessee till the Statutory Rules under G.O.Ms.No.379 dated 11.3.2003 were made. Admittedly, the petitioners herein were granted lease only in the year 2003-04 for a period of 3 years. Hence, even assuming that they are landless poor, they cannot claim the benefit of Section 82(2) of Act 30 of 1987.

The learned Government Pleader for Endowments submitted that as a matter of fact, the land in question was acquired under the Land Acquisition Act, 1894 for a public purpose and 80% of the compensation was paid to the Temple long back on 15.3.1996. It is also relevant to note that W.P.No.18347 of 2006 filed by some of the devotees challenging the said acquisition proceedings has been dismissed today, by a separate order after hearing both the parties.

Though the lease in favour of the petitioner was subsisting by the date of filing of the writ petition, the same has expired in May 2006 during the pendency of this writ petition. Hence, the petitioners cannot claim any right to continue in possession any longer. As a matter of fact, the cause in the writ petition does not survive, since the lease itself expired in May 2006.

Viewed from any angle, the writ petition is devoid of any merit and the same is accordingly, dismissed. No costs.

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G. ROHINI, J.

July 10, 2007.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.27921 OF 2005

10th July, 2007.

Between:

Vasemsetti Srinivas and others. .. Petitioners.

And

Sri Umagouriswara Swamyvari Temple,
Uttrumilli village, Ramachandrapuram Mandal,
East Godavari District, represented by its
Person-in-Management/Executive Officer and
others. .. Respondents.